

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

vs.

JOHN STOKES,
Acting Warden of San Quentin
State Prison,

Respondent.

No. CIV S-97-0152 WBS KJM

DEATH PENALTY CASE

ORDER

On October 24, 2007 the undersigned held a status conference in this matter. Tim Schardl appeared and Tim Brosnan participated telephonically for petitioner. Ward Campbell and Stephanie Mitchell appeared for respondent. After discussion with counsel, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. With regard to the missing portion of the evidentiary hearing transcript for May 2, 2007, because the parties were not successful in recovering data from the court reporter's hard drive the court has taken responsibility for the hard drive. The court will pursue other avenues for recovering the data and will inform the parties of any progress. As it remains possible the data is unrecoverable, the parties are directed to preserve all written and electronic notes taken during the May 2 hearing.

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1 2. Since the transcript of the morning of the April 23, 2007 hearing is now
2 available, the parties shall inform the court within fourteen days of the filed date of this order
3 whether that transcript contains any material errors.

4 3. The parties shall meet and confer regarding all errors in the existing transcript
5 that they feel are sufficiently important to bring to the court's attention. Respondent informed
6 the court that all errors he finds important are described in his October 4, 2007 filing. Within
7 twenty-one days of the filed date of this order, the parties shall file a joint statement describing
8 all stipulated transcription errors and any disputed errors.

9 4. Petitioner requests an extension of the briefing schedule set out in the court's
10 October 22, 2007 order. Good cause appearing, and without opposition from respondent,
11 petitioner's request is granted. Petitioner shall file the statement described in paragraph 1 of the
12 October 22 order within forty days of the filed date of that order.

13 DATED: October 24, 2007.

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16 U.S. MAGISTRATE JUDGE
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